IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 13796 of 2006(P)

PETITIONER:

T.K.SAJEEV KUMAR NAMBIAR,
EXCISE INSPECTOR, EXCISE DIVISION OFFICE,
ERNAKULAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
SRI.SYAMJI RAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE, THIRUVANANTHAPURAM.

3. THE JOINT COMMISSIONER OF EXCISE, THIRUVANANTHAPURAM.

4. R.O.GOPAKUMAR, PREVENTIVE OFFICER, COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

BY ADVS. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV
SRI.T.K.KAMALJITH
GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 13796/2006 P

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER NO. E1/1176/02 DT. 21/6/2002 BY THE ASST. EXCISE COMMISSIONER, ERNAKULAM.

EXT.P2. COPY OF THE RELEVANT EXTRACT OF THE ORDER DT. 4TH OCT,2002 ISSUED BY THE R3 (PAGE NOS. 2,3,32,33,50 & 51)

EXT.P3. COPY OF THE RELEVANT EXTRACT OF THE ORDER NO. XD3/25056/2002(3) DT. 1/1/2003 BY R2.

EXT.P4. COPY OF THE GAZETTEE VOL NO. XLVIII DT. 24/2/2003 BY THE GOVT.

EXT.P5. COPY OF THE ORDER NO. XD3/25056/02 DT. 30/4/03 BY R3.

EXT.P6. COPY OF THE RELEVANT EXTRACT OF THE ORDER NO. XD3/37850/03 DT. 2/11/2004 BY R3.

EXT.P7. COPY OF THE RELEVANT EXTRACT OF A SENIORITY LIST AND PROCEEDINGS NO. XD3/28314/2004 DT. 16/5/2006 BY R3.

EXT.P8. COPY OF THE GO P NO. 155/2003/TD DT. 14/10/2003 BY THE GOVERNMENT.

EXT.P9. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 32106/2005 DT. 17/11/2005.

EXT.P10. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 34002/2005 DT. 7/12/2005.

EXT.P11. COPY OF THE GO RT NO. 223/2006/TD DT. 4/4/06 BY THE GOVERNMENT.

EXT.P12. COPY OF THE LETTER NO. 17797/F1/04 ISSUED BY THE GOVT. SECRETARY, TAXES DEPARTMENT TO R2.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.13796 of 2006

Dated 28th February, 2007.

J U D G M E N T

Petitioner is essentially aggrieved by the revision of his seniority. It is submitted that in view of the common judgment in O.P.No.2353/03 and connected cases, the writ petition can be disposed of with a direction to the second respondent to consider the case of the petitioner in the light of the order to be passed by the Government. There will be a direction to the second respondent to consider the case of the petitioner also in the light of the Government Order to be passed pursuant to the common judgment, within another one month.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.